

R E M A R K S

Claims 8, 11, 19, 21 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,602,759, which issued to Evans in view of U.S. Patent No. 5,536,998, which issued to Sica.

With particular attention to independent Claim 8, the present invention relates to a method for attaching a base member to an end of a fluorescent lamp glass envelope including the steps of providing an annular end portion on an external wall portion of a glass envelope, pressing a base shell member of a cup-shaped configuration onto the end portion of the envelope, applying a collar of shrink wrap material to the envelope end portion and the base shell member with the collar having an adhesive on an interior surface thereof, and shrinking the collar to compress against the envelope end portion and the base shell member whereby the adhesive contacts the envelope end portion. As a result, the base shell member is fixed on the end portion of the fluorescent lamp envelope.

Evans teaches a fluorescent lamp including an envelope 12 having base members 18 secured to the sealed ends of the envelope. A sleeve 22 of heat-shrinkable plastic encloses the envelope. However, Evans fails to disclose applying a collar of shrink wrap material to the envelope end portion and the base shell member with the collar having an adhesive on an interior surface thereof; and shrinking the collar to compress against the envelope end portion and the base shell member, to fix the base shell member on the envelope end portion.

Sica teaches a fluorescent lamp including a glass tube 12 having a cup-like terminal cap 14 disposed at each end. A protective tube 16 is received over the glass tube with its inner surface substantially uniformly spaced apart from the outer surface of the glass tube by a spacer ring 18 located adjacent each end of the glass tube. Unlike the present invention, a shrink-fitted collar 20 of Sica is used to secure the protective tube to a lamp base and not to fix a base shell member to the glass envelope as recited in the Claims. Unlike the present invention, Sica discloses an adhesive layer 22 and 24 is applied between the collar 20 and the protective tube 16 and the lamp terminal cap 14, respectively. Applicant respectfully submits that Sica clearly teaches away from the

present invention and the combination proposed by the Examiner by stating at column 4, lines 52-54 that "[n]o adhesive is present between the glass tube 16 of the lamp and the collars 20."

Applicant respectfully submits that in view of the above, it is evident that the cited references lack proper teaching, suggestion, or motivation for the modification proposed by the Examiner. The only way the Examiner could have arrived at his conclusion is through hindsight analysis by reading into the art the teachings of the Applicant. Hindsight analysis is clearly improper, since the statutory test is whether "the subject matter as a whole would have been obvious at the time the invention was made."

Additionally, even if one were to assume, *arguendo*, that one of ordinary skill in the art would have been led to the combination proposed by the Examiner, one would still not arrive at the instant invention because the resulting combination would not meet all of the limitations recited in independent Claims 8 and 19. For example, the proposed combination would not include layer of adhesive on an interior surface of the collar or wrap material to contact the envelope end portion and fix the base shell member on the end portion of the fluorescent lamp envelope.

Absent such teaching or suggestion, the invention as defined by independent Claims 8 and 19 is deemed fully patentable over the above references. Withdrawal of the rejection under 35 U.S.C. § 103 and allowance of independent Claims 8 and 19 is respectfully urged.

Claims 11 and 21, 23 are dependent on Claims 8 and 19, respectively, and thus includes all the limitation thereof and are similarly viewed. Allowance thereof is respectfully requested.

Claims 10, 12, 20 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans and Sica in view of U.S. Patent No. 4,276,102, which issued to Schaeffer et al.

The Examiner states that Evans and Sica fail to disclose the limitation of "the adhesive being a curable suggest a heat curable adhesive, the method including a step of curing the adhesive." However, the Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a heat-curable adhesive as the adhesive of Evans and Sica, with the purpose of simplifying

manufacture by melting the adhesive, curing it and shrinking the heat-shrinkable wrap on a single heating process. Also, the Examiner concludes that it has been held to be within the general skills of an artisan to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

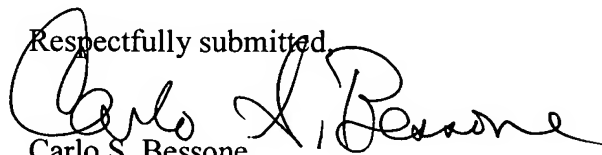
The above rejection is respectfully traversed and reconsideration thereof is requested.

Schaeffer teaches a method for compacting transposed cable strands. More specifically, Schaeffer teaches the use of a heat shrinkable polymeric layer wrapped around a cable of adhesively coated transposed strands prior to heating the cable to melt the adhesive. Applicant respectfully submits that there is no teaching or suggestion to use an adhesive which coats transposed cable strands of Schaeffer with the fluorescent lamp of Evans and the adhesive of Sica in order to arrive at Applicant's invention as proposed by the Examiner. Clearly, the Examiner has failed to establish a prima facie case of obviousness. Moreover, Claims 10, 12, 20 and 22 depend on their respective independent Claim and therefore include all recitations thereof.

Absent such teaching or suggestion, the invention as defined by Claims 10, 12, 20 and 22 are deemed fully patentable over the above references. Withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance these Claims is respectfully urged.

The Application with Claims 8-12 and 19-23 is deemed in condition for allowance and such action is respectfully urged. Should the Examiner believe that minor differences exist which, if overcome, would pass the Application to allowance and that said differences can be discussed in a phone conversation, the Examiner is respectfully requested to phone the undersigned at the number provided below.

Respectfully submitted,

  
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